

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Raphael Mendez,

Plaintiff,

V.

FMC Rochester; Steven Kallis, Minnesota
Warden; Minnesota Commissary Sales
Section, et al.; and Richard M Winter,
Regional Counsel, et al.,

Defendants.

Case No. 21-MC-0003 (SRN)

ORDER

SUSAN RICHARD NELSON, United States District Judge

Plaintiff Raphael Mendez was restricted from filing new cases in this District unless he is represented by counsel or receives prior written authorization from a judicial officer of this District. *See Mendez v. Kallis*, No. 21-CV-1147 (PJS/BRT), Doc. No. 5 (D. Minn. July 12, 2021). This matter is before the Court on Mendez’s request for authorization to file a new civil action. *See* Doc. No. 1. Upon review, the Court concludes that the proposed civil action lacks an arguable basis either in fact or in law and therefore is frivolous. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962); *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Accordingly, the Court denies the request for authorization and orders that this proceeding be closed. The Court also certifies that any appeal taken from this denial would not be in good faith, and thus any request to proceed *in forma pauperis* on appeal will be denied on that basis. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3)(A).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 5, 2022

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge